

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
                            )  
                            ) CRIMINAL NO. 05-10154-MLW  
v.                         )  
                            )  
JOHN J. DIAMONT, JR.,    )  
Defendant                 )

GOVERNMENT'S RESPONSE TO  
COURT'S ORDER OF MARCH 16, 2006

Now comes the United States, by its attorney, in response to the Court's Order of March 16, 2006, and states:

1. The United States does not believe that the Court must disqualify itself from sitting on this case, pursuant to 28 U.S.C. §455(a), by reason of the Court's association with Michael Kendall, counsel for the defendant.

2. To the extent the Court may be required to disqualify itself in this case, pursuant to 28 U.S.C. §455(a), by reason of its association with Michael Kendall, counsel for the defendant, the United States waives such disqualification, pursuant to 28 U.S.C. §455(e).

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Peter A. Mullin  
PETER A. MULLIN  
Assistant U.S. Attorney

Dated: March 21, 2006

CERTIFICATE OF SERVICE

I, Peter A. Mullin, Assistant U.S. Attorney, hereby certify that a true copy of this document was served on counsel of record for the defendant by electronic filing this 21<sup>st</sup> day of March, 2006.

/s/ Peter A. Mullin  
PETER A. MULLIN  
Assistant U.S. Attorney